

HECTOR GARCIA, JR.,
as Personal Representative to
the Estate of Hector Garcia,

CORIZON HEALTH, INC.,
WARDEN VINCE POKLUDA,
VERONICA SALAZAR,
CHRISTI BENNETT,
MELISSA GARICA,
GLADYS HERNANDEZ,
HEATHER BARELA,
EDUARDO BERUMEN,

Cause No. 2:21-cv-00485-WJ/GJF

Defendant Corizon Health, Inc. (“Defendant), by and through its counsel, Scott Hulse PC (Henry J. Paoli & Casey S. Stevenson) files this original answer to plaintiff’s second amended complaint.

4. Defendant lacks knowledge or information as to the allegations in paragraph 4 of the amended complaint so it denies same.

5. Defendant admits that Hector Garcia was incarcerated at the Doña Ana County Detention Center, but otherwise denies the allegations in paragraph 5 of the amended complaint.

6. Defendant admits that its providers provided medical care to inmates incarcerated at the Doña Ana County Detention Center, but otherwise denies the allegations in paragraph 6 of the amended complaint.

7. Defendant admits that it is a corporation and that it is registered to do business in New Mexico, but otherwise denies the allegations in paragraph 7 of the amended complaint.

8. Defendant denies the allegations in paragraph 8 of the amended complaint.

9. Defendant lacks knowledge or information as to the allegations in paragraph 9 of the amended complaint so it denies same.

10. Defendant admits that Veronica Salazar was employed by Defendant, but otherwise denies the allegations in paragraph 10 of the amended complaint.

11. Defendant denies the allegations in paragraph 11 of the amended complaint.

12. Defendant lacks knowledge or information as to the allegations in paragraph 12 of the amended complaint so it denies same.

13. Defendant admits that Gladys Hernandez was employed by Defendant, but otherwise denies the allegations in paragraph 13 of the amended complaint.

14. Defendant denies the allegations in paragraph 14 of the amended complaint.

15. Defendant lacks knowledge or information as to the allegations in paragraph 15 of the amended complaint so it denies same.

16. Defendant admits that Heather Barela was employed by Defendant, but otherwise denies the allegations in paragraph 16 of the amended complaint.

17. Defendant denies the allegations in paragraph 17 of the amended complaint.
18. Defendant lacks knowledge or information as to the allegations in paragraph 18 of the amended complaint so it denies same.
19. Defendant admits that Heather Barela was employed by Defendant, but otherwise denies the allegations in paragraph 19 of the amended complaint.
20. Defendant denies the allegations in paragraph 20 of the amended complaint.
21. Defendant lacks knowledge or information as to the allegations in paragraph 21 of the amended complaint so it denies same.
22. Defendant admits that Eduardo Berumen was employed by Defendant, but otherwise denies the allegations in paragraph 22 of the amended complaint.
23. Defendant denies the allegations in paragraph 23 of the amended complaint.
24. Defendant lacks knowledge or information as to the allegations in paragraph 24 of the amended complaint so it denies same.
25. Defendant admits that Melissa Garcia was employed by Defendant, but otherwise denies the allegations in paragraph 25 of the amended complaint so it denies same.
26. Defendant denies the allegations in paragraph 26 of the amended complaint.
27. Defendant lacks knowledge or information as to the allegations in paragraph 27 of the amended complaint so it denies same.
28. Defendant admits that Christi Bennett was employed by Defendant, but otherwise denies the allegations in paragraph 28 of the amended complaint.
29. Defendant denies the allegations in paragraph 29 of the amended complaint.
30. Defendant lacks knowledge or information as to the allegations in paragraph 30 of

the amended complaint so it denies same.

31. Defendant lacks knowledge or information as to the allegations in paragraph 31 of the amended complaint so it denies same.

32. Defendant lacks knowledge or information as to the allegations in paragraph 32 of the amended complaint so it denies same.

33. Defendant lacks knowledge or information as to the allegations in paragraph 33 of the amended complaint so it denies same.

34. Defendant lacks knowledge or information as to the allegations in paragraph 34 of the amended complaint so it denies same.

35. Defendant lacks knowledge or information as to the allegations in paragraph 35 of the amended complaint so it denies same.

36. Defendant lacks knowledge or information as to the allegations in paragraph 36 of the amended complaint so it denies same.

37. Defendant lacks knowledge or information as to the allegations in paragraph 37 of the amended complaint so it denies same.

38. Defendant lacks knowledge or information as to the allegations in paragraph 38 of the amended complaint so it denies same.

39. Defendant lacks knowledge or information as to the allegations in paragraph 39 of the amended complaint so it denies same.

40. Defendant lacks knowledge or information as to the allegations in paragraph 40 of the amended complaint so it denies same.

41. Defendant denies the allegations in paragraph 41 of the amended complaint.

42. Defendant denies the allegations in paragraph 42 of the amended complaint.
43. Defendant denies the allegations in paragraph 43 of the amended complaint.
44. Defendant denies the allegations in paragraph 44 of the amended complaint.
45. Defendant denies the allegations in paragraph 45 of the amended complaint.
46. Defendant denies the allegations in paragraph 46 of the amended complaint.
47. Defendant denies the allegations in paragraph 47 of the amended complaint.
48. Defendant denies the allegations in paragraph 48 of the amended complaint.
49. Defendant denies the allegations in paragraph 49 of the amended complaint.
50. Defendant denies the allegations in paragraph 50 of the amended complaint.
51. Defendant denies the allegations in paragraph 51 of the amended complaint.
52. Defendant denies the allegations in paragraph 52 of the amended complaint.
53. Defendant denies the allegations in paragraph 53 of the amended complaint.
54. Defendant denies the allegations in paragraph 54 of the amended complaint.
55. Defendant denies the allegations in paragraph 55 of the amended complaint.
56. Defendant denies the allegations in paragraph 56 of the amended complaint.
57. Defendant denies the allegations in paragraph 57 of the amended complaint.
58. Defendant denies the allegations in paragraph 58 of the amended complaint.
59. Defendant denies the allegations in paragraph 59 of the amended complaint.
60. Defendant denies the allegations in paragraph 60 of the amended complaint.
61. Defendant denies the allegations in paragraph 61 of the amended complaint.
62. Defendant denies the allegations in paragraph 62 of the amended complaint.
63. Defendant denies the allegations in paragraph 63 of the amended complaint.

64. Defendant denies the allegations in paragraph 64 of the amended complaint.
65. Defendant denies the allegations in paragraph 65 of the amended complaint.
66. Defendant denies the allegations in paragraph 66 of the amended complaint.
67. Defendant denies the allegations in paragraph 67 of the amended complaint.
68. Defendant denies the allegations in paragraph 68 of the amended complaint.
69. Defendant denies the allegations in paragraph 69 of the amended complaint.
70. Defendant denies the allegations in paragraph 70 of the amended complaint.
71. Defendant denies the allegations in paragraph 71 of the amended complaint.
72. Defendant denies the allegations in paragraph 72 of the amended complaint.
73. Defendant denies the allegations in paragraph 73 of the amended complaint.
74. Defendant denies the allegations in paragraph 74 of the amended complaint.
75. Defendant denies the allegations in paragraph 75 of the amended complaint.
76. Defendant denies the allegations in paragraph 76 of the amended complaint.
77. Defendant denies the allegations in paragraph 77 of the amended complaint.
78. Defendant denies the allegations in paragraph 78 of the amended complaint.
79. Defendant denies the allegations in paragraph 79 of the amended complaint.
80. Defendant denies the allegations in paragraph 80 of the amended complaint.
81. Defendant denies the allegations in paragraph 81 of the amended complaint.
82. Defendant denies the allegations in paragraph 82 of the amended complaint.
83. Defendant denies the allegations in paragraph 83 of the amended complaint.
84. Defendant denies the allegations in paragraph 84 of the amended complaint.
85. Defendant denies the allegations in paragraph 85 of the amended complaint.

86. Defendant denies the allegations in paragraph 86 of the amended complaint.
87. Defendant denies the allegations in paragraph 87 of the amended complaint.
88. Defendant denies the allegations in paragraph 88 of the amended complaint.
89. Defendant denies the allegations in paragraph 89 of the amended complaint.
90. Defendant denies the allegations in paragraph 90 of the amended complaint.
91. Defendant denies the allegations in paragraph 91 of the amended complaint.
92. Defendant denies the allegations in paragraph 92 of the amended complaint.
93. Defendant denies the allegations in paragraph 93 of the amended complaint.
94. Defendant denies the allegations in paragraph 94 of the amended complaint.
95. Defendant denies the allegations in paragraph 95 of the amended complaint.
96. Defendant denies the allegations in paragraph 96 of the amended complaint.
97. Defendant denies the allegations in paragraph 97 of the amended complaint.
98. Defendant denies the allegations in paragraph 98 of the amended complaint.
99. Defendant denies the allegations in paragraph 99 of the amended complaint.
100. Defendant denies the allegations in paragraph 100 of the amended complaint.
101. Defendant denies the allegations in paragraph 101 of the amended complaint.
102. Defendant denies the allegations in paragraph 102 of the amended complaint.
103. Defendant denies the allegations in paragraph 103 of the amended complaint.
104. Defendant denies the allegations in paragraph 104 of the amended complaint.
105. Defendant denies the allegations in paragraph 105 of the amended complaint.
106. Defendant denies the allegations in paragraph 106 of the amended complaint.
107. Defendant denies the allegations in paragraph 107 of the amended complaint.

108. Defendant denies the allegations in paragraph 108 of the amended complaint.
109. Defendant denies the allegations in paragraph 109 of the amended complaint.
110. Defendant denies the allegations in paragraph 110 of the amended complaint.
111. Defendant denies the allegations in paragraph 111 of the amended complaint.
112. Defendant denies the allegations in paragraph 112 of the amended complaint.
113. Defendant denies the allegations in paragraph 113 of the amended complaint.
114. Defendant denies the allegations in paragraph 114 of the amended complaint.
115. Defendant denies the allegations in paragraph 115 of the amended complaint.
116. Defendant denies the allegations in paragraph 116 of the amended complaint.
117. Defendant denies the allegations in paragraph 117 of the amended complaint.
118. Defendant denies the allegations in paragraph 118 of the amended complaint.
119. Defendant denies the allegations in paragraph 119 of the amended complaint.
120. Defendant denies the allegations in paragraph 120 of the amended complaint.
121. Defendant denies the allegations in paragraph 121 of the amended complaint.
122. Defendant denies the allegations in paragraph 122 of the amended complaint.
123. Defendant denies the allegations in paragraph 123 of the amended complaint.
124. Defendant denies the allegations in paragraph 124 of the amended complaint.
125. Defendant denies the allegations in paragraph 125 of the amended complaint.
126. Defendant denies the allegations in paragraph 126 of the amended complaint.
127. Defendant denies the allegations in paragraph 127 of the amended complaint.
128. Defendant denies the allegations in paragraph 128 of the amended complaint.
129. Defendant denies the allegations in paragraph 129 of the amended complaint.

130. Defendant denies the allegations in paragraph 130 of the amended complaint.
131. Defendant denies the allegations in paragraph 131 of the amended complaint.
132. Defendant denies the allegations in paragraph 132 of the amended complaint.
133. Defendant denies the allegations in paragraph 133 of the amended complaint.
134. Defendant denies the allegations in paragraph 134 of the amended complaint.
135. Defendant denies the allegations in paragraph 135 of the amended complaint.
136. Defendant denies the allegations in paragraph 136 of the amended complaint.
137. Defendant denies the allegations in paragraph 137 of the amended complaint.
138. Defendant denies the allegations in paragraph 138 of the amended complaint.
139. Defendant denies the allegations in paragraph 139 of the amended complaint.
140. Defendant denies the allegations in paragraph 140 of the amended complaint.
141. Defendant denies the allegations in paragraph 141 of the amended complaint.
142. Defendant denies the allegations in paragraph 142 of the amended complaint.
143. Defendant denies the allegations in paragraph 143 of the amended complaint.
144. Defendant denies the allegations in paragraph 144 of the amended complaint.
145. Defendant denies the allegations in paragraph 145 of the amended complaint.
146. Defendant denies the allegations in paragraph 146 of the amended complaint.
147. Defendant denies the allegations in paragraph 147 of the amended complaint.
148. Defendant denies the allegations in paragraph 148 of the amended complaint.
149. Defendant denies the allegations in paragraph 149 of the amended complaint.
150. Defendant denies the allegations in paragraph 150 of the amended complaint.
151. Defendant denies the allegations in paragraph 151 of the amended complaint.

152. Defendant denies the allegations in paragraph 152 of the amended complaint.
153. Defendant denies the allegations in paragraph 153 of the amended complaint.
154. Defendant denies the allegations in paragraph 154 of the amended complaint.
155. Defendant denies the allegations in paragraph 155 of the amended complaint.
156. Defendant denies the allegations in paragraph 156 of the amended complaint.
157. Defendant denies the allegations in paragraph 157 of the amended complaint.
158. Defendant denies the allegations in paragraph 158 of the amended complaint.
159. Defendant denies the allegations in paragraph 159 of the amended complaint.
160. Defendant denies the allegations in paragraph 160 of the amended complaint.
161. Defendant denies the allegations in paragraph 161 of the amended complaint.
162. Defendant denies the allegations in paragraph 162 of the amended complaint.
163. Defendant denies the allegations in paragraph 163 of the amended complaint.
164. Defendant denies the allegations in paragraph 164 of the amended complaint.
165. Defendant denies the allegations in paragraph 165 of the amended complaint.
166. Defendant denies the allegations in paragraph 166 of the amended complaint.
167. Defendant denies the allegations in paragraph 167 of the amended complaint.
168. Defendant denies the allegations in paragraph 168 of the amended complaint.
169. Defendant denies the allegations in paragraph 169 of the amended complaint.
170. Defendant denies the allegations in paragraph 170 of the amended complaint.
171. Defendant denies the allegations in paragraph 171 of the amended complaint.
172. Defendant denies the allegations in paragraph 172 of the amended complaint.
173. Defendant denies the allegations in paragraph 173 of the amended complaint.

174. Defendant denies the allegations in paragraph 174 of the amended complaint.
175. Defendant denies the allegations in paragraph 175 of the amended complaint.
176. Defendant denies the allegations in paragraph 176 of the amended complaint.
177. Defendant denies the allegations in paragraph 177 of the amended complaint.
178. Defendant denies the allegations in paragraph 178 of the amended complaint.
179. Defendant denies the allegations in paragraph 179 of the amended complaint.
180. Defendant denies the allegations in paragraph 180 of the amended complaint.
181. Defendant denies the allegations in paragraph 181 of the amended complaint.
182. Defendant denies the allegations in paragraph 182 of the amended complaint.
183. Defendant denies the allegations in paragraph 183 of the amended complaint.
184. Defendant denies the allegations in paragraph 184 of the amended complaint.
185. Defendant denies the allegations in paragraph 185 of the amended complaint.
186. Defendant denies the allegations in paragraph 186 of the amended complaint.
187. Defendant denies the allegations in paragraph 187 of the amended complaint.
188. Defendant denies the allegations in paragraph 188 of the amended complaint.
189. Defendant denies the allegations in paragraph 189 of the amended complaint.
190. Defendant denies the allegations in paragraph 190 of the amended complaint.
191. Defendant denies the allegations in paragraph 191 of the amended complaint.
192. Defendant denies the allegations in paragraph 192 of the amended complaint.
193. Defendant denies the allegations in paragraph 193 of the amended complaint.
194. Defendant denies the allegations in paragraph 194 of the amended complaint.
195. Defendant denies the allegations in paragraph 195 of the amended complaint.

196. Defendant denies the allegations in paragraph 196 of the amended complaint.
197. Defendant denies the allegations in paragraph 197 of the amended complaint.
198. Defendant denies the allegations in paragraph 198 of the amended complaint.
199. Defendant denies the allegations in paragraph 199 of the amended complaint.
200. Defendant denies the allegations in paragraph 200 of the amended complaint.
201. Defendant denies the allegations in paragraph 201 of the amended complaint.
202. Defendant denies the allegations in paragraph 202 of the amended complaint.
203. Defendant denies the allegations in paragraph 203 of the amended complaint.
204. Defendant denies the allegations in paragraph 204 of the amended complaint.
205. Defendant denies the allegations in paragraph 205 of the amended complaint.
206. Defendant denies the allegations in paragraph 206 of the amended complaint.
207. Defendant denies the allegations in paragraph 207 of the amended complaint.
208. Defendant denies the allegations in paragraph 208 of the amended complaint.
209. Defendant denies the allegations in paragraph 209 of the amended complaint.
210. Defendant denies the allegations in paragraph 210 of the amended complaint.
211. Defendant denies the allegations in paragraph 211 of the amended complaint.
212. Defendant denies the allegations in paragraph 212 of the amended complaint.
213. Defendant denies the allegations in paragraph 213 of the amended complaint.
214. Defendant denies the allegations in paragraph 214 of the amended complaint.
215. Defendant denies the allegations in paragraph 215 of the amended complaint.
216. Defendant denies the allegations in paragraph 216 of the amended complaint.
217. Defendant denies the allegations in paragraph 217 of the amended complaint.

- 218. Defendant denies the allegations in paragraph 218 of the amended complaint.
- 219. Defendant denies the allegations in paragraph 219 of the amended complaint.
- 220. Defendant denies the allegations in paragraph 220 of the amended complaint.
- 221. Defendant denies the allegations in paragraph 221 of the amended complaint.
- 222. Defendant denies the allegations in paragraph 222 of the amended complaint.
- 223. Defendant denies the allegations in paragraph 223 of the amended complaint.
- 224. Defendant denies the allegations in paragraph 224 of the amended complaint.
- 225. Defendant denies the allegations in paragraph 225 of the amended complaint.
- 226. Defendant denies the allegations in paragraph 226 of the amended complaint.
- 227. Defendant denies the allegations in paragraph 227 of the amended complaint.
- 228. Defendant denies the allegations in paragraph 228 of the amended complaint.
- 229. Defendant denies the allegations in paragraph 229 of the amended complaint.
- 230. Defendant denies the allegations in paragraph 230 of the amended complaint.
- 231. Defendant denies the allegations in paragraph 231 of the amended complaint.
- 232. Defendant denies the allegations in paragraph 232 of the amended complaint.
- 233. Defendant denies the allegations in paragraph 233 of the amended complaint.
- 234. Defendant denies the allegations in paragraph 234 of the amended complaint.
- 235. Defendant denies the allegations in paragraph 235 of the amended complaint.
- 236. Defendant denies the allegations in paragraph 236 of the amended complaint.
- 237. Defendant denies the allegations in paragraph 237 of the amended complaint.
- 238. Defendant denies the allegations in paragraph 238 of the amended complaint.
- 239. Defendant denies the allegations in paragraph 239 of the amended complaint.

240. Defendant denies the allegations in paragraph 240 of the amended complaint.
241. Defendant denies the allegations in paragraph 241 of the amended complaint.
242. Defendant denies the allegations in paragraph 242 of the amended complaint.
243. Defendant denies the allegations in paragraph 243 of the amended complaint.
244. Defendant denies the allegations in paragraph 244 of the amended complaint.
245. Defendant denies the allegations in paragraph 245 of the amended complaint.
246. Defendant denies the allegations in paragraph 246 of the amended complaint.
247. Defendant denies the allegations in paragraph 247 of the amended complaint.
248. Defendant denies the allegations in paragraph 248 of the amended complaint.
249. Defendant denies the allegations in paragraph 249 of the amended complaint.
250. Defendant denies the allegations in paragraph 250 of the amended complaint.
251. Defendant denies the allegations in paragraph 251 of the amended complaint.
252. Defendant denies the allegations in paragraph 252 of the amended complaint.
253. Defendant denies the allegations in paragraph 253 of the amended complaint.
254. Defendant denies the allegations in paragraph 254 of the amended complaint.
255. Defendant denies the allegations in paragraph 255 of the amended complaint.
256. Defendant denies the allegations in paragraph 256 of the amended complaint.
257. Defendant denies the allegations in paragraph 257 of the amended complaint.
258. Defendant denies the allegations in paragraph 258 of the amended complaint.
259. Defendant denies the allegations in paragraph 259 of the amended complaint.
260. Defendant denies the allegations in paragraph 260 of the amended complaint.
261. Defendant denies the allegations in paragraph 261 of the amended complaint.

- 262. Defendant denies the allegations in paragraph 262 of the amended complaint.
- 263. Defendant denies the allegations in paragraph 263 of the amended complaint.
- 264. Defendant denies the allegations in paragraph 264 of the amended complaint.
- 265. Defendant denies the allegations in paragraph 265 of the amended complaint.
- 266. Defendant denies the allegations in paragraph 266 of the amended complaint.
- 267. Defendant denies the allegations in paragraph 267 of the amended complaint.
- 268. Defendant denies the allegations in paragraph 268 of the amended complaint.
- 269. Defendant denies the allegations in paragraph 269 of the amended complaint.
- 270. Defendant denies the allegations in paragraph 270 of the amended complaint.
- 271. Defendant denies the allegations in paragraph 271 of the amended complaint.
- 272. Defendant denies the allegations in paragraph 272 of the amended complaint.
- 273. Defendant denies the allegations in paragraph 273 of the amended complaint.
- 274. Defendant denies the allegations in paragraph 274 of the amended complaint.
- 275. Defendant denies the allegations in paragraph 275 of the amended complaint.
- 276. Defendant denies the allegations in paragraph 276 of the amended complaint.
- 277. Defendant denies the allegations in paragraph 277 of the amended complaint.
- 278. Defendant denies the allegations in paragraph 278 of the amended complaint.
- 279. Defendant denies the allegations in paragraph 279 of the amended complaint.
- 280. Defendant denies the allegations in paragraph 280 of the amended complaint.
- 281. Defendant denies the allegations in paragraph 281 of the amended complaint.
- 282. Defendant denies the allegations in paragraph 282 of the amended complaint.
- 283. Defendant denies the allegations in paragraph 283 of the amended complaint.

284. Defendant denies the allegations in paragraph 284 of the amended complaint.
285. Defendant denies the allegations in paragraph 285 of the amended complaint.
286. Defendant denies the allegations in paragraph 286 of the amended complaint.
287. Defendant denies the allegations in paragraph 287 of the amended complaint.
288. Defendant denies the allegations in paragraph 288 of the amended complaint.
289. Defendant denies the allegations in paragraph 289 of the amended complaint.
290. Defendant denies the allegations in paragraph 290 of the amended complaint.
291. Defendant denies the allegations in paragraph 291 of the amended complaint.
292. Defendant denies the allegations in paragraph 292 of the amended complaint.
293. Defendant denies the allegations in paragraph 293 of the amended complaint.
294. Defendant denies the allegations in paragraph 294 of the amended complaint.
295. Defendant denies the allegations in paragraph 295 of the amended complaint.
296. Defendant denies the allegations in paragraph 296 of the amended complaint.
297. Defendant denies the allegations in paragraph 297 of the amended complaint.
298. Defendant denies the allegations in paragraph 298 of the amended complaint.
299. Defendant denies the allegations in paragraph 299 of the amended complaint.
300. Defendant denies the allegations in paragraph 300 of the amended complaint.
301. Defendant denies the allegations in paragraph 301 of the amended complaint.
302. Defendant denies the allegations in paragraph 302 of the amended complaint.
303. Defendant denies the allegations in paragraph 303 of the amended complaint.
304. Defendant denies the allegations in paragraph 304 of the amended complaint.
305. Defendant denies the allegations in paragraph 305 of the amended complaint.

- 306. Defendant denies the allegations in paragraph 306 of the amended complaint.
- 307. Defendant denies the allegations in paragraph 307 of the amended complaint.
- 308. Defendant denies the allegations in paragraph 308 of the amended complaint.
- 309. Defendant denies the allegations in paragraph 309 of the amended complaint.
- 310. Defendant denies the allegations in paragraph 310 of the amended complaint.
- 311. Defendant denies the allegations in paragraph 311 of the amended complaint.
- 312. Defendant denies the allegations in paragraph 312 of the amended complaint.
- 313. Defendant denies the allegations in paragraph 313 of the amended complaint.
- 314. Defendant denies the allegations in paragraph 314 of the amended complaint.
- 315. Defendant denies the allegations in paragraph 315 of the amended complaint.
- 316. Defendant denies the allegations in paragraph 316 of the amended complaint.
- 317. Defendant denies the allegations in paragraph 317 of the amended complaint.
- 318. Defendant denies the allegations in paragraph 318 of the amended complaint.
- 319. Defendant denies the allegations in paragraph 319 of the amended complaint.
- 320. Defendant denies the allegations in paragraph 320 of the amended complaint.
- 321. Defendant denies the allegations in paragraph 321 of the amended complaint.
- 322. Defendant denies the allegations in paragraph 322 of the amended complaint.
- 323. Defendant denies the allegations in paragraph 323 of the amended complaint.
- 324. Defendant denies the allegations in paragraph 324 of the amended complaint.
- 325. Defendant denies the allegations in paragraph 325 of the amended complaint.
- 326. Defendant denies the allegations in paragraph 326 of the amended complaint.
- 327. Defendant denies the allegations in paragraph 327 of the amended complaint.

328. Defendant denies the allegations in paragraph 328 of the amended complaint.

329. Defendant denies the allegations in paragraph 329 of the amended complaint.

330. Defendant denies the allegations in paragraph 330 of the amended complaint.

331. Defendant denies the allegations in paragraph 331 of the amended complaint.

332. Defendant denies the allegations in paragraph 332 of the amended complaint.

333. Defendant denies the allegations in the Jury Demand/Prayer section of the amended complaint.

DEFENSES

334. Defendant asserts that the complaint fails to state a claim for which relief can be granted. FED. R. CIV. P. 12(b)(6). There is no viable deliberate indifference claim under 42 U.S.C. §1983 with respect to plaintiff's alleged disagreement with the extent of the medical care that was actually received from Defendant and its medical professionals; and there is no unconstitutional policy/custom/practice alleged against Defendant.

335. Defendant invokes all limitations and caps contained in the New Mexico Tort Claims Act which bar or limit Plaintiff's negligence claim, to the extent applicable to Plaintiff's claims. NMSA §§ 41-4-1 – 41-4-30.

336. Defendant asserts that Plaintiff's claims are barred or must be limited in proportion to the comparative fault of Hector Garcia, and any other parties or non-parties.

337. Defendant asserts that there is no unconstitutional policy/custom/practice identified in the complaint that will support imposing liability on Defendant under 42 U.S.C. § 1983.

338. Defendant asserts that it cannot be vicariously liable on any theory or claim brought by Plaintiff under 42 U.S.C. §1983.

339. Defendant invokes any and all limitations in the Prison Litigation Reform Act, 42 U.S.C. § 1997e, to the extent that this statute limits Plaintiff's claims.

340. Defendant asserts that Hector Garcia's medical expenses, if any, are not reasonable and necessary, nor related to the incident that is the subject of this lawsuit. Additionally, Defendant contests the extent and duration of the Plaintiff's alleged damages and injuries, if any.

341. Defendant asserts that Plaintiff's damages and injuries, if any, were caused, in whole or in part, by independent, contributing, and intervening causes, factors, injuries, disabilities, and conditions unrelated to any actions of Defendant, or any other party in this lawsuit. Defendant requests that the Court allow the trier-of-fact to determine the respective percentage of responsibility of any non-parties with respect to causing or contributing to cause the harm for which plaintiff seeks to recover damages. *Cf. Bartlett v. N.M. Welding Supply, Inc.*, 1982-NMCA-048, 98 N.M. 152, 646 P.2d 579.

342. With respect to the injuries and damages claimed, if any, Defendant contends that Hector Garcia suffered from conditions, illnesses, and injuries which existed before the incident for which Defendant is not liable.

343. Plaintiffs' damages, if any, were proximately and/or solely caused or produced, in whole or in part, by the independent, intervening, and/or superseding acts, omissions, negligence, fault, or one or more other third parties over which Defendant had no control and for which Defendant is not legally responsible.

344. The doctrine of avoidable consequences and/or mitigation of damages applies to Plaintiffs' alleged right of recovery, if any such right exists in this case.

345. To the extent that any punitive damages are sought by Plaintiff, Defendant asserts that it did not act with a culpable mental state that will justify an award of punitive damages.

346. Defendant asserts that the conditions, injuries, and other damages about which Plaintiff complains are the sole or proximate result of prior and/or subsequent incidents, occurrences, events, causes or developments unrelated to, and not caused by, Defendant.

347. To the extent that Plaintiff seeks punitive or exemplary damages, Defendant asserts all limitations concerning the ratio of compensatory to punitive or exemplary damages in order for punitive damages awards to satisfy the due process provisions of the Constitution. *See, e.g., State Farm Mut. Auto Ins. v. Campbell*, 538 U.S. 408 (2003).

348. Defendant asserts that the actions of its medical providers complied with and satisfied the appropriate standard of care.

349. To the extent that any of Plaintiff's claims against Defendant implicate the New Mexico Tort Claims Act, Defendant invokes the provisions and limitations in the New Mexico Tort Claims Act.

350. To the extent that any of Plaintiff's claims against Defendant implicate the New Mexico Medical Malpractice Act, Defendant invokes the provisions and limitations contained in the New Mexico Medical Malpractice Act. NMSA §§ 41-5-1—41-5-29.

351. To the extent that any of Plaintiff's claims against Defendant implicate the New Mexico Medical Malpractice Act, Plaintiff's damages in connection with his negligence claim, if any, are limited by the New Mexico Medical Malpractice Act. NMSA §41-5-6.

352. Defendant hereby asserts all limitations on pre-judgment and post-judgment interest that are contained in New Mexico law.

353. Defendant denies that it has vicarious liability for any acts of any independent contractors or independent licensed medical providers who act as independent contractors.

354. Defendant denies that it can be liable for deliberate indifference premised on disagreements with the extent of the medical care/treatment that was provided to Plaintiff.

355. Defendant denies that any policy could have been a moving force behind any alleged constitutional violation for purposes of Plaintiff's claim under 42 U.S.C. § 1983.

356. Defendant asserts that it did not act with deliberate indifference.

357. Defendant cannot be held liable on a deliberate indifference claim based on a theory of *respondeat superior* or vicarious liability.

358. Defendant denies that any policies identified in the complaint are *per se* unconstitutional. Accordingly, Defendant cannot be held liable for deliberate indifference based on a single incident.

359. Defendant denies that it can be held liable for any hiring or training of any medical providers in connection with Plaintiff's claim under 42 U.S.C. §1983.

360. To the extent that such a claim is alleged, Defendant denies that Plaintiff can establish liability based on a failure to train as there is no policy that evidences deliberate indifference.

361. Defendant denies that any of its policy makers, if any, acted with deliberate indifference.

362. Defendant denies that any deliberate indifference can be premised on an alleged policy, custom, or practice that amounts to inaction.

363. To the extent that such a claim is alleged, Defendant denies that it can be held liable for deliberate indifference based on any alleged failure to train or supervise in that any alleged policy did not cause any alleged injury claimed by the Plaintiff.

364. Defendant denies that any single incident involving the Plaintiff can form the basis of a policy, custom, or practice claim against Defendant.

365. Defendant denies that Plaintiff can recover against Defendant on a deliberate indifference claim for failing to implement policies.

366. Defendant denies that it can be liable to Plaintiff for failing to provide systems or training when there is no allegation of deliberate indifference based on an unconstitutional policy, custom, or practice.

367. Defendants assert that Plaintiff's own negligence in failing to comply with medical advice and instructions may be a proximate or sole cause of Plaintiff's alleged damages or injuries, if any.

368. Defendants assert that Hector Garcia failed to mitigate his alleged damages, if any, by failing to properly follow medical advice and instructions. Alternatively, Defendants assert that Plaintiff should have taken action to avoid, eliminate, or minimize his alleged injuries and damages and that Plaintiff is barred or limited in his right of recovery, if any such right exists, by the doctrine of avoidable consequences or mitigation of damages.

369. Defendant reserves the right to raise such further and additional defenses or claims as may be available upon facts to be developed in discovery.

WHEREFORE, having fully answered plaintiff's second amended complaint, Defendant requests that plaintiff's second amended complaint and the claims asserted by plaintiff be

dismissed with prejudice, that Defendant recover its court costs, and that the Court provide such other and further relief to which this Defendant may show itself justly entitled.

Respectfully submitted,

SCOTT HULSE, P.C.

201 North Church Street, Suite 201

Las Cruces, NM 88001

(575) 522-0765

575-522-0006 Facsimile

or

201 E. Main Dr., Ste. 1100

El Paso, Texas 79901

(915) 533-2493

(915) 546-8333 Telecopier

By: /s/Henry J. Paoli

HENRY J. PAOLI

CASEY S. STEVENSON

Attorneys for defendant Corizon Health, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2021, a true and correct copy of this document was filed electronically through the e-filing system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Matthew C. Coyte & Alyssa Quijano
3800 Osuna Road NE, Ste. 2
Albuquerque, NM 87109
mcoyte@me.com
aquijano@coytelaw.com
Attorneys for plaintiff

Brandon Huss & David Roman
New Mexico Association of Counties
111 Lomas Blvd. NW Suite 424
Albuquerque, NM 87102
BHuss@nmcounties.org
DRoman@nmcounties.org
Attorneys for the Board of County Commissioners for the County of Doña Ana and Vince Pohluda

/s/Henry J. Paoli

HENRY J. PAOLI